Ames VI 7463

A glasse of the truthe.

TO THE REDERS.

To the gentill reders and syncere louers of truthe.

YOu shall haue here, gentill reders, a small dialoge betwene the Lawyere & Diuine: wherin if there lacke suche eloquence, suche dryste of argumentes and conueyance of reasons, as parauenture ware requisite, and as ye shall desyre: yet we shall moste entierly pray you, that where we be nat sufficient to supplye the same, to content your selfe with this our rudenesse, declarynge the pure truthe alone: whiche you shall be right sure to fynde in this poore treatyse. For here haue you no newe allegatyon of mans inuention or imaginatiō: but onely taken of the scripture of god, of the counsels and ordinances of the churche vniuersall, of mooste auncient popes and other holy doctours wryttinges, with the factes and authorytes of blessed men besyde, withoute wrythinge or wrestynge of any of them: beyng taken of whome and of none other I am sure you will say it is to be estemed

for a moſt aſſured truthe. Prayenge you moſt benigne redere that thoſome wolde ſaye that they be nat truely alleged, rather to gyue credence to ſo many approued vniuerſities whiche affirme our allegations to be true: than to the aſſeueration of any other, ſpecially of ſome fewe affectionate perſones, whiche do or may endeuour to denye the ſame. And nowe therfore to tell you the very truthe, this ſame is the grounded cauſe why this lytell worke beareth his name, whiche is the Glaſſe of truthe. For it is plainly the ſame clere glaſſe, within the whiche ye ſhall ſee and beholde (if ye loke well and leyſurely in it) the playne truthe of our mooſte noble and louinge princis cauſe: whiche by vnmete and vnkynde handelinge hathe hytherto had ſo ouerlonge a ſtaye. The whiche doutleſſe if we well conſidre, is mocheh more our hynderance than his. For his lacke of heyres male is a diſpleaſure to him but for his life tyme: as lackinge that whiche naturally is deſyred of all men to haue childerne. But our lacke ſhall be permanent ſo longe as the worlde laſteth: excepte that god prouide.

uide. For tho we haue a female heyre, whiche is bo the indued with moche vertue & grace in many dootes and gyftes, yet if a male might be atteyned it ware moch more sure, if we well perpende and pondre many vrgent & wayghtie causes. Amongest whiche this one, is depely to be forsene, that if the female heyre, shall chaunce to rule, she can nat cõtinue longe without an husbande. whiche by goddes lawe, muste than be her gouernour and heed, and so finally shall directe this realme. But who that shulde be, with the contentement of the subiectes, me thinketh, it were harde to excogitate. For proximitie of blode, is to great a lette to some, otherwise mete for that purpose, except we wolde be so beestly to put our necke eftsones in the snare of this erronious prohibited errour, whiche is, and hathe ben alwayes detested by the moste parte of all the famous clerkes of christen dome. The punisshement whereof, were to terrible to be suffered, and also to abhominable to be harde of, emonges christen folke. On thother side, to other some, it were daungerous, leste we shulde

make thé ſuperiours to vs, ouer whome, we clayme ſuperioritie, ſeyng:e the manne muſt rule the woman. Other's outwarde mete perſonages our ſklender wittes can nat comprehende. And as to uchinge any mariage within this realme, we thinke, it were harde to deuiſe any condigne and able perſon, for ſo highe an enterprıſe, moche harder, to finde one, with whome the holle realme wolde & coulde be contented to haue him ruler and gouernour. Wherfore we thinke the eſtablyſſhement of titles is nat ſo ſurely rooted nor yet ſo entierlye mainteyned by the female as by male. Whiche well conſydered ſyns the vnion of all titles do remayne and be collocate in him onely, we ought: of duetie (if oure wittes may thereto extende) to excogitate all wayes to vs poſſible, howe we might atteyne the ſucceſſion of heyres male. And that way ones founde, erneſtly with celerite to putte in vre: in no wiſe ſufferinge this wayghtie & vrgent cauſe to be lenger differred or delayed, by thoſe whiche do but vſurpe to them ſelfes an honoure and vayne glory contrary to many generall counſels and

theyr

their owne lawes also: as more playnly shall appere in this litell treatise of truth. For els accordynge to an auncyent prouerbe, To longe abode is causer of moch daungere, we might be moche indemnyfyed and hyndered. Farthermore you shall in this Glasse see, howe that nowe it ought to be ordred after our simple iugementes: so to haue a good and perfitte ende, moste for his honour and quietyng of conscience, for oure great welthe, & for the prosperite of this his noble realme. And nowe this same is the truth, of whiche scripture saieth. That great is the truth, of strength and power of boue all: with it there is none iniquite, none ylle dealynge, none obstinate and frowarde bablynge, no malicious backebytynge, no sclaunderous and factious enforsinge. This is the sole truth lefte vntill her selfe. Without all vayne ostentation, without inuentinge or borowynge of ydell titles and inscriptions, withoute colourynge dissemblynge, pretense and all outwarde paintynge. ye shall fynde here the mere truthe (as we truste) withoute all malignyng, rayling gestyng and detractynge of

Mora trahit periculum.

Magna ueritas, et fortior prę oīb⁹, non est cum ea quicq̄ iniquum. 3. Esdræ. 4.

of them, that of truthe no ſuche haue deſerued: the whiche it may be your lotte to ſee and here ſome where: els. Moche more we might induce to ſette forthe and adourne this Glaſſe of truth before you, ſaue that the proceſſe folowyng ſhall ſufficiently and moche better perfourme the ſame, to the which I hooly remitte you: euermore mooſte hartely prayenge you godly myldly & without all yll affection to emprynte well in youre hartes this mere and ſyncere truthe, and ſo to folowe it that you may do a thinge acceptable to the pleaſure of almyghtie god, and contentation of our ſouerayne and prince. And thus fare ye well in god louing brotherne.

THE LAVYER. Me ſemeth, it is wiſely and truely ſaide, that the right way is euer the nereſt waye: & likewyſe the playne way moſte ſure, to trye all maner of truth by. THE DIVINE. I thinke that it be true, whiche you ſpeke: but you ſpeke ſo obſcurely, that I wotte nere what you meane therby. If you meane it by the ymitation of Chriſt, whiche beareth wytneſſe of him ſelfe, ſayeng I am the ryght way, I am the true way, and I am the perfyt lyfe: thanne are you in the right. And if you meane the playne waye to be moſte ſure, bycauſe that Chriſte ſaieth he is the doze by whiche we muſte entre in, this youre ſayenge canne nat be amended. wherynto god him ſelfe exhorteth vs alſo by his prophete, ſayeng ye chriſten mē loke ye iudge a right. THE LAVYER. The better for my purpoſe. For the cauſe why I ſpeke it, is for the great weightye cauſe of chriſtendome: concernynge the kynges ſeperation fro the quene. It is toſſed and tourned ouer the hye mountaynes, laboured and vexed at Rome,

That our ſauiour Chriſt is the rygbt and playne waye.

The dangerous and vnmete handelynge of our soueraygnis rightful cause.

from iudge to iudge, without certayne ende or effecte: beinge very perillous for his hyghnesse, and moche more daungerous (if god helpe not) for vs his poore and louinge subiectes. Whiche if it had ben ordeined in the right and due cours, that is to saye within the realme, and so by the metropolitane examined and discussed, as lawe & reason wolde it shulde haue ben, there had ensued in this ryght way or this tyme an honorable ende and purpose: to the great welthe of this realme and quietnes of christendome. The lettars wherof what so euer they be, me thinketh ought to be detested of al good englysshe people and subiectes. THE DIVINE. One of the chiefe lettars is and hathe be the lawyers opinion: whiche wolde attribute to the pope the heed of theyr lawe al maner of power. wherby beinge well descante (as they can well ynoughe) at lengthe shall be no lawe, but onely his wyll. For and if he myght dispence with goddes lawe, and all other, and ordren them as he wyll (as lawyers say that he may) than what foly were it to obserue goddis lawe or any other, but onely

That the cause ought to be ordred within this realme.

Howe some lawyers to moche attribute vnto the pope.

only inuestigate and serche to knowe the popes wyll in euery thynge, and that to folowe accordyngly? whiche ones atteyned were the lawyers hoole glory. For who shulde be sette by thanne but onely lawyers/ bycause they extolle his authorytie so hye? THE LAVYERE. you enserch and folowe the frenche prouerbe to moche. THE DIVINE. Whiche is that? THE LAVYER. Who sercheth fyndeth. For surely if without affection we shulde speke, we lawyeres attribute to moche authoritie both to our maister & to our selfes also. THE DIVINE. I haue harde verely fewe of your secte so plainely confesse the truthe. Neuertheleſſe it is to my great comforte to remẽbre that it is my fortune to mete with so syncere a man beinge (as I trust) so entierly my frende: whiche is dedicate to truthe and not to professyon. THE LAVYER. I wotte what I shulde do, but I wotte nere what frailtie wyll lette me do. THE DIVINE. If wyll be purely good/ the olde prouerbe shall folowe. Nihil difficile uolenti, God wyll ayde the wel willer alway. THE LAVYER.

Qui serche troue.

That beinge true, and bycause you haue some thynge touched vs lawyers: you gyue me boldnesse farthermore to commune with you, and aske of you, if dyuines be nat partly to blame as well as we: that this great cause goeth no better forwarde. THE DIVINE. All I can nat excuse. For some of vs be as heedy as you: and yet our lernynge leadeth vs nat to it: as yours dothe you. For we shulde onely regarde the maker of all lawes and the mere truthe: and nat vanities of this worlde, nor eke affections.

The truthe of god with out worldly respectes to be regarded

THE LAVYER. ye saye wel frende. That wolde to our lorde the lerned men of the worlde moste specially of this realme wolde folowe this lesson, and vse it in dede. For as I perceyue here, some of them folowe more affections and respectes: than goddes worde onely and truthe. THE DIVINE. Who taught you I praye you to hytte so trucly the nayle on the heed? I thynke in dede that if worldlynesse were nat loked for, there wolde mo agree to the truthe than hytherto hath: though there be a meruaylous great nombre that hath agreed ther to all

to al redy in dede. THE LAVYERE. That worldly respectes maye happe to fayle them, that trusteth therto: & where be they than? Me thinketh farthermore a great foly in them to auenture vpon so sklendre a groũde both soule and body. THE DIVINE. Truthe ye say, wher of is great pitie, that lerned men specially, regarde not more the worlde to come than the worlde present: and that they vnite not them selfe in opinion. Whiche thing sheweth a great lacke of grace, and an ouermoche addiction to pryuate appetites, mixed with to moche heedynesse and obstinacy. And yet there is but one truth in this matter. THE LAVYER. I meruayle than, why many thus call this matter disputable, seinge that there is but one truthe therein: and why that truthe is not imbraced and opẽly shewed by all lerned men. THE DIVINE. As to the fyrst, though some call it so, I se no reason why they shulde saye so: excepte they wolde say, that nothing is taken for truthe in this worlde. For I do esteme, that there be fewe articles of our faythe, the whiche be approued by mo auten-

Great pitie that all lerned men be nat of one opiniõ in this one truthe.

That this cause is nat disputable, as a thing of doubte.

like authorities, mo prouable ye inuincible reasons / by moo laudable customes and vsages: than this cause is on the kinges syde. And syns it is so, me thynketh hit is nat disputable as a doubte in lawe. As to the seconde I feare me that lacke of executynge in dede of that whiche we professe by mouthe, is a great lacke there vnto. For our lyues and religyon be many tymes farre a sondre, I praye our lorde amende hit, whanne hit shall be his pleasure. But as to the fyrste, bycause I thynke hit nat disputable, I shall declare you somme reasons whiche do perswade me to thynke so. THE LAVYER. Mary I pray you lette vs here mo. For one I haue herde al redy, whiche me thynketh very vehement. If the remenant folowe, I shall for my parte be meruailously satisfyed. THE DIVINE. Fyrste it is to vnderstande, that accordynge to the sayenge of the prophet Dauyd. The worde of our lorde god is mooste sure and euer abydeth. Syns that so is infallible, it must nedes folowe, that it, whiche he vtterly forbyddeth in the negatiue, may

Verbum dñi manet in æternũ. Spal.

no

no wyse be attempted. Thanne in this case, that is to saye. A man ought nat to mary his brothers wyfe: Jt is in the Negatyue forbodden, in the Leuityke bothe. xviij. and. xx. chapitres. And therfore in no wyse hit is to be attempted/ specially with vs that be chrysten people. THE LAVYERE. J thynke this hardde to be assoyled: neuerthe lesse the lawe Deuteronomyke semeth to assoyle the same. THE DIVINE. Nay surely, if hit be well vnderstande. For in the begynnynge that lawe semeth to propoune and lymytte certayue poyntes and circumstaunces, without the whiche that lawe ware no lawe: as playnely by the texte hit selfe it dothe manifestly appere. That is to saye, fyrste as whanne they dwelled to gether: the seconde whan he dyed without issue: the thyrde, to suscytate the brothers sede: the. iiij. that his fyrste sonne shulde be called by his brothers name: the fyrste cause and grounde of that lawe was that the name within the Tryebe shulde nat be forgotten nor abrogate in Jsraell: moste specially the

Nullus accipiat uxorem fratris sui, et nõ licet tibi habere uxorem fratris.

A mã to mary his brothers wyfe is forbidden bi the lawes of god.

playne circumstãces & profes/ that the litteral sence of the Deuteronomy law was to the Jnes onely.

trybe of Judas, wherof it was propheeyed that our lorde shulde come of. Neuertheleſſe to the intent that ye myghte well perceyue that this lawe was trulyer to be obſerued in the myſticall ſenſe/than in the litterall, and that mooſte ſpecially nowe by vs chriſten men: the ſmalnes of the payne whiche foloweth it, declareth it full well, as by the text folowynge you may well perceyue. And yet it is left alſo to the arbitrement of him that ſucceedeth to take or refuſe her at his pleaſure and will: ſufferynge a ryght ſmall and eaſy puniſſhement, as tofore: whiche is lymytte in the aforeſayd chapitre. And to ſhewe that it ſhuld nat be but in the miſticall ſenſe obſerued by vs chriſten men: & nat litterally, ſaynt Auſten ſayeth thus, Euery preacher of the worde of god is bounde ſo to laboure in the goſpell, that he ſtyre vp ſede to his brother departed, that is to Chriſt, whiche dyed for vs: and the ſede ſo ſuſcytate muſt haue the name of him depted, that is of Chriſt: Wherupon we be called Chriſtians. So therfore we plainly be nat boũde to kepe and fulfylle this lawe carnally as by bodely gene-

Onely the miſtical ſẽce of the Deuteronomye lawe is for chriſten men

generation after the aforesayde significacion and takynge of it: but spiritually in a truthe fulfylled. Holy Isidoure in the selfe same maner sayth as doth saynt Austen. Saynte Ambrose also sayeth, that the sentence hereof is taken mystically. And as for any example, in whom this were fulfylled litterally, there hath ben none shewed as he affirmeth. Nowe me thynketh therfore (though we make the moste we can of it) this lawe of Deuteronomi was but a speciall lawe, gyuen onely to the Jues: as ye may well perceyue by the aforesayd circumstances in the texte it selfe, seruynge onely for those expressed intentes: whyche amonge vs christen men nother hathe nor may be in any wise obserued, as taken of that lawe: but be clerely abrogate, anulled, and in no wyse to be vsed. For who nowe a dayes thinketh him selfe bounde, to suscitate his brothers sede: or to haue his sonne called by his brothers name? Or who thinketh him selfe bounden nowe to the groundsell and very foundacion of this lawe of Deuteronomy, whyche is here in this chapitre? As to contynewe

Ipsa basis et fundamentū Deut. legis.

the inherytaunces, and to supporte the names of the trybes in Jsraell onely?

And that this is the full intente and grounde of this lawe: it may be gathered very welle by the very texte of the same lawe: where it sayeth. Whan brotherne dwelle together, and one of them dyeth withoute yssue or chylderne. Whiche makethe a playne argumente and sure proffe, that excepte he dyed withoute yssue, his wyfe shulde in no wyse marye the other. Thanne to haue yssue for suscitacion of sede and continuaunce of the brothers name in Jsraell (as it well appereth) is the cause of this lawe. Whiche also maketh it appere euidently, that this lawe is merely ceremoniall, as that is institute for certeyne people onely/ for certeyne place and certeyne tyme. For J am sure no man wyll saye, that we oughte to marye for that intente nowe a dayes. These thynges be so euident and manifest, that me thinketh without a man wyl not se, he must nedes perceyue, that this lawe of Deuteronomye/ wherof we speke nowe, was onely made for the Jewes: and that we christen men be

Quando fratres habitauerint simul, et unus ex eis absq; liberis mortuus fuerit Deute. 25.

This Deuterono. lawe ceremoniall whyche is nowe clene abrogate.

be clerely ou[illegible]e seruitude and bondage of the [illegible]aunce of the ceremonyes of that [illegible]excepte that he wyll haue Christ[illegible]d fore to comme agayne, and [illegible]ue vs christen men to playe the ve[illegible]Jewes. Besyde these proues vppon the very texte, the mooste parte of the auncient authors also do declare this lawe of the Deuteronomye to be abolytte. And that excepte bothe circumstaunces in euery parte and also the grounde were obserued: it coulde neuer haue serued. For they be so mixed together in precepte, that the one can not well stande without the other, and duely be kepte, as it oughte to be. Wherfore this Deuteronomyke lawe takethe nothynge awaye my formare argumente, nor yet assoyleth any parte therof.

THE LAVYERE. By the feyth J owe to god, you spcke felly. THE DIVINE. Naye, J coulde speake moche more yet in declarynge of that lawe, were it not that J promysed you to shewe you the reasonnes, why that this matter is not disputable. THE LAVIERE. J praye you, syns we be entred

entred in to this matter, lette vs haue more of it: to the intent we may trie our owne conſcience the better in it. THE DIVINE. Syns you nedes wyll haue me coughe out all, I wyl tell you more of my mynde. The Deuteronomie lawe in this caſe coulde ylle quadrate or agree with the Leuiticall, except the intent and circumſtaunces therof be well conſidered as tofore. And alſo that this terme brother in that place be well vnderſtãde and cõſydered. THE LAVIERE. Why, I pray you, is there more miſtery of that worde in the Deuteronomy, than in the Leuitike? THE DIVINE. ye forſoth, for in the Leuitike it can nor may be take for other than for the very brother, the texte beinge iudge it ſelfe. But by the Deuteronomike, as many taketh it: is ment the nexte of the bloode after the degrees prohibite, though he be but kynſmã. And ſo it might well ſtande with the Leuiticall amongeſt the Jewes. The whiche interpretacion is well approued alſo by the playne hiſtory of Ruth. But theſe thinges be ſo hylye entreted in many other workes and treties, that it were but a loſſe

Note the taking of this worde brother.

a losse of tyn[illegible]ommune any more of it. wherfore [illegible]ynde nowe to retourne to my formar[illegible]rpose, & to declare you the reste of my reasons. THE LAVYERE. These in dede haue ben more entreated on, than the matter which you haue propouned. Wherefore syns it is your plesure, I pray you go forth withall. yet I ensure you I haue nat harde so profoūdely that other matter declared in my lyse, for so short & a briefe declaration. THE DIVI. I am glad though without my desert, that this my declaration pleaseth you so well. And nowe I wyll go forth with the rest of my minde.

Firste I esteme the worde of our lorde god aboue all thynges, that nother deceyueth nor yet is deceyued: which saith that no man shall take in maryage the wyfe of his brother. And secondely I noote, that he in the same chapitre commaundeth this nat onely to the Jewes, but as well to all maner of people: saieng these wordes. you shal do none of these abhominations: nother you that be here borne dwellers of this countrey nother any straungere, what so euer he be, that com-

Verbum dei nec fallit, nec fallitur.

The prohibition Leuiticall generall for al people.

Nō facietis ex oībus ab hominationib⁹ istis, tā indigena q̄ colonus, qui

peregrinat apud uos. Leuit. 18.

Omnis aīa quæ fecerit de abominationibus his quippiā: peribit de medio populi sui. ibidem.

commeth emonge you. Euery man that doeth any one of these abhominations, shall perysshe fro the myddes of his people. By these wordes it may well appere that god dothe nat prohibite these offences only to the Jewes, but also to al maner of people. For he sayeth, euery man who so euer he be that dothe any of these abhominations, shall perysshe. If god hym selfe had not determyned this lawe to be morall, he wolde neuer haue commaunded it to all maner of people. For fewe places there be (as I thynke) in scripture (I may well say) none, whiche be generally prohibite: that be nat also moral. And it is moreouer to be thought that god wolde nat so generally haue forbydden it, so extremely prohibite hit, so horribly to haue detested it by his owne wordes: callynge it in some place offence of his precept, in some contamination, in some place a greuous faute, an vngoodly and vnlauful thyng, in some place abhomination, in some execration: except these were morall, and except hit were also his very wyll that folke shulde generally forbere and detest them. These wordes

The foure wordes that god him self vseth in gyuynge the prohibitions Leuitical.

des (as semeth me) be so fereful, so terrible, and of christen people so to be pondered, that the weyght and greuousnes of them, can scant, without great grace, be condignely imprinted or unpressed in our hartes. wherfore me thinketh we ought all with meke spirites to calle for grace, and to endeuour our selfes by all wayes to atteyne the same: to thintent it might the more habundantly flowe in vs, & not obstinately or carnally to withstande it, whan many tymes it is offered vs. For it is a great faute, and a great lacke of grace, whan men hath truthe offered to them: and they wyllfully to withstande the same. THE LAVYERE. In good faythe I neuer marked this, nor yet vnderstode so parfitely in my lyfe. For surely it is meruaylously to be noted, and yet with more reuerence to be obserued: in so moche that nowe me thynketh I perceyue a very shamefastnes to entre into any suche acte / whiche excepte the acte were vnlauful, neded nothyng. THE DIVINE. Nowe ye begynne to sele somewhat and to fynde the truth. For scripture in the same chaptre con-

Verecundia

confirmeth your sayenge, alleginge these wordes. There is shame in discouering the vnclennesse of thy brothers wyse. Thou shalt not discouer it. For it is the vnclennesse of thy very brother. Hereby we may well perceyue, that there is a vilenesse, a contrarietie to vertue herein. For els we neded not to be ashamed of it. And I do thynke verely, that who so euer wolde maynteyne the other parte, can not denye, but that it is agaynst honestie, whiche is very vertue: but that it is of it selfe very vnclennesse: It is (as I haue rehersed here by goddes owne wordes) a sore faute. It is contamination, abhominacion, execracion. Wherfore I meruaile, that christen men do not tremble to here it, and moche more feare not wittingly to do it, or auisedly to continue in it. For surely there can be nothinge of the spirite of god: that can induce man to it. If for carnall affections & worldly policies men shulde perswade it, howe moche that were to be detested by a man of pure and syncere conscience: I reporte me to any man, that is indued with a persight and playne garment of truthe.

Nō reuelabis turpitudinē uxoris fratris tui, quia turpitudo fratris tui est. Le. 18.

Contrarium honesto. Turpitudo ex se.

Non ex spiritu.

truthe. That for any welthe of this worlde wolde breake or seeke colours to breake so hye a precepte of the maker of all worldes. Wherfore these whiche we haue afore rehersed, beynge so euidently declared by his owne mouthe, as the texte hit selfe dothe affirme it, whan hit sayeth, I am your verye lorde, the whiche commandeth you this: me thinketh that we christen folke ought to iuge this cause nat disputable, but all redye iudged by the Judge of all iudges. And so manfullye to withstande in goddes quarelle the maynteyners and supporters of the contrary: Seynge that oure mayster so extremely prohybyteth and with suche abhomination detesteth hit.

Ego dominus deꝰ uester Leui. 18.

This cause nat nowe disputable, but all redy iudged of god.

Other thynges there be also, whiche moueth me meruaylously, to thynke that this is nat disputable. And those be these.

Fyrste the auncient authors, the whiche wryteth of hit. Wherin they in detestynge hit do shewe manifestly theyr opinion and playnely gyue theyr iudgement in it. For if it were good or hereafter might be good: they beyng so hyghly

Auncient authors.

lerned & so hooly, wolde neuer so greatly abhorred hit. Secondly the counsels for the most parte (whiche speaketh of hit) dothe vtterly dampne hit. Specially (as semeth me nowe) Lonstance counsell, in disapprouyng the opinions of Wycliffe. For that coũsell saieth, that who so euer be of that opinion that this prohibition leuiticall, Let no man mary or otherwise take and vse his brothers wyfe, with other there be only prohibitions made by man and nat by god, & holdeth the same: they incontinently to be estemed and taken as very Paynemes and mere heretikes by the churche. Farthermore that none, what so euer he be, shall dare other to preche, to teche, to hold, or in any wise alledge any of Wycliffes articles: other of the. xlv. fyrste condempned, or of the other. LL. lx. articles: of the whiche this same afore rehersed was one. Wherfore it may euidently appere nowe, that this matter is nat disputable, but all redye iudged and concluded: syn hit is determyned, that he shall be taken for a very heretyke that holdeth or vpholdyng disputeth the contrary. The thirde is, that

Counsels.

Constãce counsell.

Nullus accipiat uxorem fris sui Leuit. 18.

Heresy to maynteyne the cõtrarye to this cause.

the

the hoole consent of all the indifferente vniuersities of christendome doth plainly determyne and consent, that this prohibition Leuiticall is nat onely a thynge prohibite by the lawes of god & nature: but also that it is a square and very rule, by the whiche christen men oughte to be ordred & lyue by. Syn they take it thus, that is to say: that this is a precepte and a direction, by whiche we christen menne ought to lyue by, and the lawe Deuteronomyke a thinge ceremoniall, whiche is abolytte: I meruaile that folke be nat a shamed to calle this matter disputable or to holde agaynst hit. Moche more I wondre what groũde they haue, or wold forge the contrary of this matter vpon: seing that first it is (as me thinketh) all redy iudged by goddes owne word, by generall counsels, by the hole consente of al indifferent vniuersities of christendome, ye and by a great noumbre of other lerned men: whose scales and handes be redy to be shewed. It is also emonge vs christen men imprinted in our hartes in maner (as who wolde say) from one to a nother, fro the father to sonne, to detest hit.

The cõsent of all indifferent vniuersities.

Per manus traditionem

hit. And doutleſſe emonge good folke it hath bene and is in manere ſo abhorred, that ſcarſely they can finde in theyr hartes to here ſpeake of hit. So than that I take it an hoole acceptation of the churche of chriſtendome, ſyn the beginning of the fayth. Wherfore any more to doubte of hit, or to calle hit diſputable, and nat to repute hit as alredy iudged. I ſee no grounde why, and thinke it dampnable. Alas, me thynketh that lerned men holdinge agaynſte this opinion, tho they ſeme to be of the churche: they be not in dede. For they holde an opinion contrarye to the opinion accepted by the hole churche. Wherfore theſe wordes of ſcripture maye well be layed ageynſte them, where Chriſte ſayeth. Who ſo that is nat on my ſyde, is on the ſyde agaynſte me. So that by theſe wordes verifyed in them, hit well appereth that they be nat of Chriſtes churche. Farthermore I am ſure that ſome of them wyll ſaye there be dyuers caſes hereſies: whiche I dare boldly ſay haue nat ſuche grounde and fundation in truthe: nother of ſcripture, nor of good authours, ne yet of generall

This truth accepted fro the beginninge of the church hytherto.

Qui non eſt mecum contra me eſt. Math. 12.

rall counsels, nother haue benne accepted by the due ordre, whiche commeth frome one to an other as this hathe: wyllynge the lay fee to beleue them in these matters, and yet wyll nat they gyue place them selfe to this matter: so hyghlye proued and by so many wayes determyned. Who can beleue them in theyr persuasions: whanne they beleue nat nor gyue place to the truthe? Nat callynge truthe that, whiche fantasye iudgeth truthe: but that, whyche is approued truthe. Therfore me thynketh they sclaundre fore the churche, or els moche them selfes. As who wolde saye there were no truthe therein: whanne they so shewerth them selfe of contrarye opinions. For if there be a truthe (as good men thynke that there is) it oughte vniuersally to be taken, to be preched and taught for a truthe. For all doctrine inspired by god, is good and holsome to be taughte, as sayeth saynt Poule) and nat by sinistre affectyons to be hydde hyndred and detracted, lyke as therein some do. Wherfore to the entent to reduce them to one flocke,

Omnis doctrina diuinitus inspirata utilis est ad docendum. 2. ad Tim 3.

Vt fiat unum ouile. Io. 10.

to a concorde and to one assent: I thinke it were necessarye that the prince and his people shulde nat gyue credence to them in those thynges, whiche they on so moche lesse grounde so desire and require to haue kepte and obserued: vntylle they gyue place to this, and suche other: as scripture dothe plainly declare and determyne, with lyke assent of generall counceles, and of auncient sayntes and doctours. And I thynke, so that if they myght haue the one which they be affectionate to, graunted them: they wolde soone gyue place to the other. And so myght there be made one flocke and one shepardc of hit, one heed and gyde and a sorte vnder him of one mynde and concorde. The whiche as for my parte, I praye god sende vs shortely. THE LAVYERE. These be wonderfulle thynges to here, and oughte moche to moue the hartes of all trewe subiectes: and that specially sin they concerne theyr kynges soule helth, his welthe and there realme also. Alas, is hit nat great pitie, the prince hauing so manifest and playne grounde for hym, he beynge also so lo-

Vnū ouile et vnus pastor.

Our bounden duetie to oure prince.

uyng

uing to vs as he is, so glad & so harty to take paynes for this his cómune welthe: that we, whiche that be his subiectes, shuld be to him so vnnaturall, that other for other considerations worldly, or for reportes of sinistre persons, shulde lette to do our very duetie to him? ye and leauynge the playne truthe, rather to beleue maligners agaynst his cause, whiche soweth more diuision than obedience: & nat accordinge to our very dueties to stycke fastly and surely vnto hym, whiche is in the very ryght. Tho parauenture he say lytell, yet may hit fortune that he marketh all. Wherfore bothe duetie and reuerence with feare, is to be had to hym, whiche is so louynge and harty to vs: to the intent that these beyng ioyned bothe on his parte and ours: we may withstande the malignitie of all backebyters and sclanderers: and vtterly in our hartes conceyue, that it is farre from our duetie of allegiaunce to beleue vntrue reportes and false malignations agaynste our soueraygne. And herein we ought to emende our fautes, and from henssorthe nat to suffre any suche reportes: but man

Malignitye & yll reportto be withstande.

fully to withstãde, who so euer wolde vse them selfe to the cõtrary, other in worde or dede. And in this doynge, I thynke there shulde be roted the greatteſt vnion betwene the heed and bodye that euer was sene or harde of. Which shulde fulfyll and perfyght that wyse sayenge of Salust. Where is peace and concorde, smalle thynges encreasyth and commeth to moche: by debate and discorde where is moste, hit soone fayleth and slydeth awaye. Wherfore I praye god sende vs his lyght of grace, specially to kepe this betwene our heed and vs. THE DIVINE. By my truthe, I thinke there can nat be a better exhortation, thanne you haue here giuen vs all. For so longe as no membre halteth or is in payne, the hole body must nedes be the healer. But nowe that hytherto we agree so well, I muste be as homely with you, as you haue bene with me: prayenge you to assoyle me certeyne questions of lawe: lyke as I haue assoyled you in diuinitie. THE LAVYERE. I ware to blame els. But I muste praye you fyrste to assoyle me one question more, whiche I wolde

Concordia puæres crescunt, discordia maximæ dilabuntur. De bello Iugurthi.

wolde fayne knowe. THE DIVINE. What is that I praye you? THE LAVYER. Of the power of the pope, in dispensation with the lawe diuine. THE DIVINE. Of that to entrete at length were nowe to shorte a tyme. And hit hath also bene wrytten of by so many authors, that hit ware harde for me to say any thynge therin, the whiche hathe nat ben sayd. But yet for your pleasure I wyll assaye somme thynge, as hit shall occurre to my mynde. yet one thinge I muste knowe youre wyll in, ere that I procede any farther. THE LAVYERE. What is that I beseche you? THE DIVINE. Mary syre, this is hit, whether you wyll that I shulde shewe you whatte the olde auncient doctours do saye, or what the modernes, whiche somewhat flattereth the popes authoritie, sayeth: other elles declare you myne opinion, taken out of bothe, whiche I truste shall nat be farre frome truthe? THE LAVYERE. The auncient doctours and many also of the modernes opinion hathe benne declared herin in many other bokes and warkes:

of whiche I haue sene some bothe of laten and englysshe. But is there, say you, difference emongest other of their opinions? THE DIVINE. ye forsothe, for some of the modernes smake to moche of your lawe, in wrestyng of scripture for auauncement of dignite: whiche the olde fathers do clene forbydde and contempne: and lykewise also dyuers other modernes. Wherby you may well perceiue that there is some alteration emōge them. THE LAVYERE. That is true. But whiche thynke you do beste? THE DIVINE. They that do leste attribute, arrogancy rule and dominion to the spiritualtie. For sure hit wyll be at length els their vtter confusion: hit is so abhominably at this day abused and presumed on. But nowe to my matter. The scripture sayeth these wordes, why do you breke or transgresse the commandement of god for your owne traditions? And also these wordes. The prophetical and holy Scripture is not of mans interpretacion. With this moreouer, scripture must nedes stande vnlosed. All these auncient authors also, whiche here foloweth

The pope cannat dispence with the lawe of god & nature

Quare uos trāsgredimini præceptū dei propter traditiones uras. Ma. 15.

Scriptura ꝓphetica non est humanæ intꝑpretationis. 2. Petri. 1.

loweth, do say, accordingly to holy scripture, that the pope can nat dispence with other the lawe of god or nature. Saynt Augusten, besydes other places, in the epistole, whiche he wryteth Ad Glorium Eleusinum, sheweth that he is vnder the generall counsell. Wherfore moch the more he must nedes be vnder the lawe of god. Saynt Ambrose in his boke de Paradiso affirmeth the same. Lykewise saint Bernarde bothe in his epistle Ad Adam monachum, and in his boke de dispensatione et præceptis. Holy popes also that were in the olde tyme, do confesse the same: As Fabianus papa in his epistle Ad orientales. Mercellinus papa in his epistole Ad orientales. Also Vrbanus papa in. 25. q. 1. Sunt quidam. Zozimus papa in de statutis gentiũ. Where he sayth that agaynst the statutes and decrees of fathers, the see of Rome can nother make ne chaunge nothyng. Moche lesse ayenst the scriptures and statutes of god. Damasus papa ad Aurelium Archiepiscopũ. Innocentius papa in ca. litteras. Besyde these, other auncient authors confirme the same: as Basilius magnus in regula monachorum. Beda in expositione epistolę Petri. Isidorus ca. Siis qui

Non potest solui scriptura. Ioan. 10. Augusti.

Ambro.

Bernardus.

Fabianus papa.

Mercellinus papa.

Vrbanus papa.

Zozimus.

Damasus.

Innocentius

Basilius.

Beda.

Isidorus.

qui preest. With these agreeth as in one also these lattre diuines, Alexandre de Halys, Scotus, Occham, Richardus de media Villa, Albertus, Iacobus de Lauzanna, Altissiodorensis, Franciscus de Maronis, Gerson, Durandus, Gabriel Biel, Herueus, Bernardus de Trilla, Antoninus Florentinus, Ioan. Lupus, and many mo: whiche do playnely affirme, that no man canne proue that the poope maye dispense with other the lawe of nature, or the lawe of god. Wherfore hit foloweth well, that this beynge the lawe of god (as hit hath bene bothe well and playnely afore declared and proued) as me thynketh hit is euidente, hit is easye bothe to perceyue and beleue: that syn it is thus grounded on the very lawe of god, hit is also indispensable. Nowe than more ouer seynge that this case is also determyned as well by auncient authours as by generall counsels, ye and holy popes owne confessions: and seyng also that all these doth agre both moderns and other, with the full consent of the moste parte of all the Vniuersities & lerned men at this houre within christendome, that this case is indispensable: me thin-

Posteriores Theologi.

thinketh gretly that we ought (this matter being so euidently opened & declared) clerely & holy to beleue this: and as true subiectes to stycke with our soueraygne & prince, in this his iust doynge & laudable act. For (as me semeth) it is a sinful & an vnnatural demeinour of subiectes, what synistre laboure so euer be made to the cõtrary, to mysdeme their prince: that in so waighty a cause he wolde be seducid, and vse affections. Whiche hytherto rayning the .xxiij. yere ouer vs and more hath shewed hym selfe in all his doinges but iust indifferent & most vpryght. And I, for my parte, do rather arrecte this blindnes of the people, more to ignoranci with a litle to moche lightnes in credence to light folke, the whiche goeth about to seduce them: than to any other acte of vnnaturall duetie. For I thynke verely that there was neuer prince amonge vs, that euer was better beloued, nor that hathe deserued more to be. Wherfore nowe vsynge the sayinge of seynt Poule, I do exhort you in our lord god, that you his subiectis do exonerat your selfes of al maner of groũdes or occasiõs that might brede

The cause of the peoples blyndenesse.

Hortamur uos. 2. Corynth. 6.

brede any vnkyndnes in his hart toward you. And also his maiestie (you with al due reuerence so doynge) to continue his well approued zeale and feruent loue, alwayes hytherto shewed emonge you, to the intent aforesayd: whiche is that we may haue, accordinge to Christes owne wordes, one flocke and one heed. THE LAVYERE. On my faythe you haue satisfyed me both with great and many authorities, and (as me thinketh) also with inuincible reasons. I pray god myn answeres to your questions, may satisfie you as well and with as moche truthe: as yours hathe done me. THE DIVINE. I doubte nat but they shall, For your intente, as a man maye iudge, and your lernyng also, is of that integrite: that otherwise than truth can nat succede, so farre as the lawe can say. Wherfore I pray you answere me firste, to this question. Might this cause be harde and ware hit a due course that hit shulde be harde within this realme, as in the beginninge of this mattere me thoughte you sayde? THE LAVYERE. Syre, I nat onely affirme that hit myghte be:

but

but also I vtterly protest, that hit ought to be so. For as it was ordeyned in the counsell of Nyce, and lykewyse in other generall counsels of the world, that euery cause shulde be decyded where it first beganne: euen so this cause beinge fyrst begonne here in Englande, shulde likewyse haue ben here in Englande determyned.

That this cause oughte to be herd herewith in the realme/ & determined.

THE DIVINE. In my iudgement ye speake reason: but howe shall I knowe, that you spcke law? For I here somtime in other cases, that lawe & reason diffre: & good reason is nat alwaye called lawe.

THE LAVYERE. you say in some parte well. For in dede all reason is nat lawe: but this you may be sure of, that contrary to al reason is no lawe: tho men somtyme be otherwyse borne in hande. And in this case conformably to reason, as I haue begonne to shewe you: hit was prouyded and ordeyned in dyuers counsels, that none shulde be called out of the prouince. Whiche counsels are & ought to be taken for lawes establisshed by the assent of all christen men: whiche muste stande and take effect.

Authorite of counsels.

THE DIVINE. ye name the counsell of Nyce, and other also.

also. Nowe I pray you, let vs here howe they speake herein: that we may be the more sure. THE LAWYER. First the Nycene counsell sayeth thus. The olde and antycke custome let hit be kepte throwout Egypt, Lyby, & Penthapoly, so that the bisshoppe of Alexandre haue the power of them: for there is a lyke custome of the cityc of Rome. Lykewise at Anteoche also, & other prouincyes let theyr customes and priuileges be kepte within theyr churches. Looke this be kepte, that they which be excommunicate of theyr bisshoppes: of none other be receyued to communion. Forsothe the power or confirmation throwe euery Prouince shall pertcyne to the Metropolitane.

The Nycene counsell. ca. vi.

Cap. v.

Cap. iiii.

By this it may well appere, that there is or ought to be a speciall iurisdiction or power within euery prouince: in ecclesiasticall obseruatiõs & deciding of causes. But that this may be so moche the more playne, you shall here what ysidoure sayeth to this purpose in the preface of the boke of counsels. Hit is manifeste (sayeth he there) that suche thinges whi-

Isidorus in præfa.

che

che chanceth thorowout euery prouince? that the Sene or counsel of the same prouince must ordre and dispense them: as it is playne to haue ben decreed and ordeyned by the Nicene counsell. It is redde also (saieth he) in an epistle of pope Innocence in this wise: If any triall of cause besynes or contenty on arise amonge clerkes and lay men, or betwixte clerkes of hyer or lower degre: what so euer they be: it pleased and hathe bene ordeyned, that accordynge to the Nycene counsell all the byssshoppes of the same prouince be gathered to gether: and so the iudgement of the cause to be fynisshed & haue his full ende. Thus you see playne what is the mynde of Nicene counsell herein: euen so as we haue broughte hit in for. THE DIVINE. But syre, syn that Isidoure sayeth that there be mo chaptres of the Nycene counsell than thele whiche we haue and be expressed communely in the boke, of the which he saith also that this is one: howe is it that you haue brought vs in here whiche is plainly conteyned there, to confirme this purpose? THE LAVYER. That haue

Epistola Innocentij.

J done truely, bicause it maketh moche as semeth me, and J haue affirmed no more than may well be take of it. Nowe yf it seme nat so playne to you and other for this purpose: by that yet whiche is added of Jnnocence and Jsidoure, it may well and fully appere, that this our purpose and position is plainely conteyned emong the chapiters of the Nycene coũsell, if it ware hooly had: whether that be it or parte of it, or no. The counsell Affricane to pope Boniface, moche maketh for the same. yet to satisfie you and all other the more herein, you shall here howe this is also proued and confirmed by the great counsell of Constantinople, wherin it is written thus: Jt is manifeste and playne that thorowout al and euery prouince the prouinciall Sene or counsell ought to administre and gouerne al thinges there accordynge to that is diffined by Nycene counsell. Can you or any other thynke, but that this is a sufficient prose, that this is the verye decree of Nycene counsell: excepte you wyll nedes pretende ignoraunce, other elles peruersely denye bothe these authors and

Conci. constantinopolitanum.

and counselles generall? More ouer the coũsell Constantinopolitane agreeth here vnto, where it sayeth thus. Accordynge to the canons, the bysshoppe of Alexandre lette hym gyde onely those thynges the whiche be within Egypte. The bysshoppes of the orient lette them gouerne onely the orient. &c. But if it chaunce them to be called out of theyr administration, lette them nat go: for other ordinaunces to be made, or for other dispensations ecclesiasticall: but (as is tofore rehersed) in euery prouince the prouincyall Sene muste ordre and gouerne all thynges, whiche be (as it is there vnderstande) mere spirytuall.

Wherevnto sayeth the historye Tripertyte, that the fathers in the counselle of Constantinople defyned, that if any cause arose within any prouynce: hit shulde be fynysshed by the counsell of the same prouynce. The Calcedonense counsell draweth nere after the same, where it determineth, that a cause shulde begynne afore the owne bysshoppe: and frome hym to the counsell of the prouynce. The same counsell decreed,

Historia tripartita. li. 3. ca. 7.

Conci. Calcedonense.

that according to the fathers rules twise in the yere through out euery prouynce the byshoppes shulde come to gether: where euery thynge that came amonge them, shulde haue his due correction and ordre. Farthermore the epistle, whiche the Affricane counsell sente to pope Celestine, sheweth well this pourpose, and witnesseth also the Nicene decree: where thus it is written. The Nycene decrees most plainly hath committed bothe clerkes of lower degree and also bishoppes to their owne primates. For they moste wysely ye and iustly perceyued, that all matters what so euer they were, oughte to be finisshed & ended, where they were begonne. They vnderstode full well, that the grace of god wyll fayle no prouynce: by the whiche the right and equite may well and wysely be sene of the prestes of Christe, and mooste fastly and constantly holden and fulfylled of them. Specially bycause it is gyuen and graũted to euery man: that if he be greued with the sentence of his iudges, to appele to the coũsell of his prouince, other els to the vniuersal counsell. Whiche lawfully can not

Epistola cõci. Affricani ad Celestinũ papam.

be

be denyed, but is approued by these wordes folowinge in the sayde counsaile. Except that there be any man, whiche beleueth, that our lorde god wyll rather inspire rightuous iugement into a particuler person/than to a great nombre of vertuous and wel disposed psons, gathered to gethers in counsaile by his spirite and ordenance. For how can the iugementes of beyonde the see, be firme & stable, vnto the whiche those persons, that be necessari, can not be brought/either bicause of age, or for many other impedimétes? And as for that any Legates shulde be sente as from thy holynes side, we fynde it not ordeined or decreed in any coũsaile of fathers. For in all the coũsayles, that we coulde fynde of Nycene, we coulde fynde no suche thinge. The.vij.counsell Carthaginense, and Melitane also sayth well to the same in this maner. It hath pleased and is decreed, that prestes, deacons, and other clerkes of lower degree, if in their causes they complayne of their byshoppes iudgementes: that the byshoppes whiche dwell by, here the cause: and suche as shall be taken to the cause, by

Conci. Carthaginense. 7. et Mileta.

by the consent of their bysshoppes, lette them finysshe all that is betwene them. But if they thynke mete to appele, lette them nat appele farther, than to the coũsels within Affrycke, or to the primates of their owne prouince. Who that wolde thinke that they ought to appele beyond the sees, lette them be take of none within Affrike for christen men, or as any of their communion.

Conci. Antiochenum.

Ouer and aboue all these, the counselle of Antioche decreeth in this maner. For ecclesiasticall causes, controuersyes, busines or matters, whiche aryseth, to be dissolued and cased: we haue thought and decreed to suffice that throwe euery prouince, a counsell of the bysshoppes be had euery yere twyse. The fyrst to begyn the thyrde weke after Easter, the seconde the fyrste day of October. And in these counsels muste be present with them bothe preestes and diacons, and all other, whiche seeth them selfe agreued: so to tary and abyde the sentence of the counsell. Nother it may be lawful for any, to make these counselles within them selfe without the knowledge of their Metropolitanes:

tanes: to whome it is certeine that it is gyuen and graunted to gyue iudgement of all causes. Besyde these counsels Eginius the poope decreeth also, that if for ouermoche farrenes, vnmetenes of tyme or sorenesse of the waye, it be greuous and paynefull to bringe a cause to the see of Rome: that it be had to the primate.

Eginius papa.

THE DIVINE. If these be so as ye alledge them, and as I doubte nothynge but that they be, it muste nedes be as ye haue sayde: that this cause ought to be determyned within this realme. For it is nat possyble that the pope maye well dispence, immute or breke these counsels.

THE LAVYERE. You take hit verye well. For howe maye the byshoppe of Rome or any other primate, be so bolde as to breake the canons: the whiche euerye one of them voweth to kepe? and solemply professeth the same? If he shulde so do: ware he nat to be deposed, accordynge to that the counselle Carthaginense decreeth? Who coulde thynke that one Byshoppe myghte destrue the actes of so many hooly fathers, made with theyr one assente, ac-

The poope voweth and professeth to kepe the Canons, & may not breke the same.

ccedyng to the profession of blessed Gregorye? THE DIVINE. you spcke cuyn as the thynge it selfe wolde haue you. For syn it is sayde by Salomon, Leaue not or breake not thy mothers law: who coulde thynke, that the church of Rome, whiche in dede is but a doughter of the churche vniuersall, myght destroye the lawe of her mother? Dothe not holy Poope Leo saye with an open voyce: That thoughe there were nowe made a greatter counselle, than was the Nicene: it might not derogate our foure counselles. Therfore the pope of Rome oughte to rule the Churche of Rome by the vniuersall counselles and the lawe of god: and no wyse the contrarie. THE LAVYERE. Sothly as ye say. Therfore he can not dispence agaynst the canons. For who can dispence with hym selfe? Or who can without faute breake that he hath openly professed? Forsothe if he do agaynste this his profession, he dothe therby depose him selfe, as sayeth the counsell Carthaginense. THE DIVINE. And well worthy. For bycause (as sayeth our sauiour Christe) the ser-

Ne dimittas legem matris tuæ. prouerb. 1.

The poope oughtto rule By the lawe of god and counsels: and can nat dispēce againste the canons.

uant

uant is nat bygger than the maistre, nor the Apostel or he that is sent bigger than he that sente hym, syn that Christe came nat to breake the lawe but to fulfylle the same: the pope of Rome can nothing do agaynst the lawe of his mother the churche vniuersall: whose Lanons he hathe professed to kepe with solempne vowe, in the which vowe he can nat dispence with hym selfe, nother any other can, syn he hathe none superioure in spiritualtie.

THE LAVYERE. That suche is the poopes vowe and open profession, besydes other places, appereth well by the counsels of Lonstance and Basyle, and by the boke of bysshops whiche is called diurnus: as sheweth the great clerke Juo in his epistole. Where he is ereneste that the olde traditions and customes ought nat to be remoued or broken by any priuate lawes or newe traditions. For agaynst the statutes of the fathers the authorite of the see of Rome can nothynge do, ne chaunge. with vs (sayth he there, whiche is pope Zozimus sayenge also) lyueth and remayneth antiquite so roted and fast grounded, that it will nat away:

Iuo Epistola. lx.

Zozimus.

to the whiche the decrees of fathers hath gyuen and eſtabliſſhed ſuche reuerence. Wherfore the poopes of Rome be or oughte to be the kepers or mainteiners and nat the breakers of the holy canons. Thus ſayeth Leo, thus ſayeth Bonifacius, and thus ſayeth poope Gelaſius.

Celeſtinus papa.

Pope Celeſtine affirmeth, that he thynketh ylle of the pope, ye the worſte that can be: whiche thynketh that he maye ordeyne any thynge agaynſt the canons.

THE DIVINE. The holy doctours and diuines alſo agreeth well with this. Eſpeciall ſaynte Auguſt. in the epiſtle Ad Glorium tofore reherſed, is playn in this. Pope Zozimus (as ye knowe) is clere in it. Pope Damaſus, Vilarius with other will no breche or tranſgreſſion of the canons without an ineuitable neceſſite: the whiche (as they ſay) god forbyd. Therfore (as ſayeth Gerſon) it is an exceedyng and an vnruly errour of them: the whiche ſayeth that the deliberation or counſell of the pope weyeth aboue the delyberation of the churche or counſell generall. Or that affirmeth that the pope is nat bounde to folowe the counſell and o-

Damaſus papa.
Hilarius.

Gerſon.

bey

bey the same: except that he wyll. THE LAVYERE. Certeynely you come well to the purpose. For the holy coũsell of Constance decreeth also the same, in these wordes. Euery man of what so euer state or dignite that he be, ye though he be the pope: is bounde to obey the generall counsell: in these thinges whiche perteyne to our christen faythe, to the helpe and extirpation of a Scisme, and generally to the reformation of the churche of god: in the heed and in the membres. It decreeth moreouer thus, who so euer, of what so euer state or dignite that he be, ye though he be pope hym selfe: wyl disdayne or refuse to obey the cõmandementes statutes or ordinances of this coũsell, or of any other general coũsell, nowe made or hereafter to be made vpon the premisses, or suche as perteyne vnto thẽ: excepte he amende this faute, ought to be putte to due penance and condingly punysshed: with recourse (if nede shall be) to other helpes of the lawes. THE DIVINE. Trewely if this be thus as here you haue well induced, as semeth me, hit can not be auoyded, but that the pope

Concil. constancien.

Pope ought to conforme hym selfe to the canons and decrees of counsels, and not to dispence agaynst them, and so moche the lesse he may dispēce with the law of god. THE LAWYER. That can no wyse be denyed. For betwene goddes lawe & mans (sayth Innocence, of whom we spake before amonge other lawiers) there is so great a difference, that against the lawe of god may neuer be dispensed: about mannes lawes may be had dispensation sometyme: as necessite and vtilite shall require. THE DIVINE. Well sayde. But ye lawiers many times spcke so erenestly for bothe partes, and alledge your glosees so thycke: that men vnlerned in that facultie, can not telle whome to truste. And welle I wotte, that in this poynt some lawyers say nay. For if they agreed, all the matter shulde haue ben or this tyme done. THE LAWYERE. Truely this, as ye say, chaunceth ofte tymes amonge vs lawyers, in dede. But not in that we be lawyers, but in that we be men fascioninge our knowlege and opinion in lawe, as it may serue best for our purpose. And he is called but

No dispensation agaynst the lawe of god.

a ſlendre aduocate or proctour in lawe, that of one lawe or texte or other, can nat ſhape argumentes fytte for his clyentes part. Herein is no defaut in the lawe, but in the abuſers of the lawe. THE DIVINE. Marye of them that vſe them ſelfe thus, ſcripture ſayeth in dede. The lawe is lacerate and fynal iudgement can nat be had raufully. So that this ſayeng whiche foloweth alſo, be it neuer ſo generall of it ſelfe, may well moſt ſpecially be applyed to them to. Euery man is full of lyenge. But howe ſhall I truſt you than that you ſpeake lawe to me in this great cauſe: rather than them that ſpeake on the other ſyde? THE LAVYERE. The authorite of generall counceles, and the very popes owne confeſſions ſuffiſeth to that. Very naturall reaſon alſo ſhall confirme that my ſayenge to be trewe. For it is true that lyke as euery priuate perſone in his caſe hath dayly his doubt decyded by the iudges of his countrey, and in the cõmon lawe of the realme the matter is tryed by the iury of that countrey, and in the popes lawe no man ſhall be called two dayes iourney out of his coun-

Lacerata eſt lex, et non peruenit ad finem iudicium Habacuc. 1. a.

Omis homo mẽdax. ſpal. C. xv.

Apte comparaſon.

countrey: euen so haue princes in tymes paste accordinge thervnto obteyned sentences in lyke case. And if you wyll take the peyne to loke ouer and fully to consider, the generall counsels, whiche I tofore rehersed vnto you: ye shal than finde that not onely it myght, but also that it ought so to be. And reason (as I haue shewed) is hervnto conformable, that the cause shulde rather be harde and discussed, where it may be knowen playnly & euery poynt duely enserched & examined: than where all parties be ignorant in the matter, as at Rome. THE DIVINE. Why than doeth the poope wrōge to enterprise to knowe af the matter at Rome? THE LAVYERE. So saye the generall counsels, so doth diuers holy popes confesse, so sayth the vniuersite of Parise, so saythe the vniuersite of Orleance, so saith a great nombre of clerkes in Italy, so saith all that be not ledde by affection to saye on the other syde. THE DIVI. you shewe so many counsels, popes assentes, great authorities, & also so playne definitions of so noble vniuersites, which affirme your sayeng: that

no

no man can but thinke it true that ye say. Wherin certes (as me thinketh) the authoritie of the general coũsels and popes owne sayenges gyueth suche faith to the cause: that it is vnreasonable to be denied: specially considerynge and weyenge that also the vniuersities say and expresse the same. Whiche of lykelyhode wolde not distayne their honour and reputacion in the worlde, with theyr great blame rebuke & iuste damnacion of god and the world: ī swaruing fro the truth. I thinke therfore surely that you say true: and I meruayle moche, that the pope agreeth not to that truthe. THE LAVY. As to that I can not say. For it were an yll birde, that wold defile his owne nest. But neuertheless we se here a truth affirmed by many general counsels / by many popes, by many other authors, and also by noble vniuersites, by so many gret lerned men: & the same is neuer the more followed, but the contrarye therof executed, (right nat withstãding) against our prince & soueraygne lorde. Whiche pitieth myne hart, & al true subiectes I thinke, within his realme. Nat doutynge with goddes

grace

grace but that nother he nor we wyll ſuffre ſo preiudicial an iniurie to be inferred to this realme, and ſo pernicious an exãple for all chriſtendome. THE DIVI. That is iurely ſo. Wherfore I dout not (god aſſiſtinge vs) but that this his realme, wyl rather ſticke with hym in this his manifeſte right / accordynge to their duetie: than put their neckes vnder the yoke of the pope, or his, at pleaſure lawes. For god cõmandeth obediẽce to the prince, & ſo doth he not to the iniuries of the pope: but willeth vs rather to withſtãde them, as by diuers textes and holy mens examples, it ſhal here after appere. Bernardus. God (ſayth ſaint Bernarde) cõmandeth vs to do that is good, & to leue that is yl. Now if that man, whom he hath gyuen pẽminence to & ſette him aboue vs, wolde thinke to the contrarie, & cauſe vs other to leaue that is good, or to cleue to that is yll & forbidden of god: there his commandement is boldly to be refuſed. For it is farre out of ordre to bracke thyn obediẽce thou oweſt to god, for thyn obedience towarde man. Wherfore ſaith ſaint Auguſt. Auguſtine. If he that is in power aboue the,

Our duetie and obediẽce we owe to our prince.

In what the poope is not to be obeyed.

the, as to whom thou oweſt thyn obe-
dience, commande the to do any thynge,
that thou oughteſt nat to do: there con-
temne and refuſe his power. If he byd
the do one thynge, and god an other:
obeye god contempnynge hym. If that
man byddeth, god forbydde: ſhall I
(ſayeth ſaynt Bernarde) here man, and
nat here and obeye god? Therfore (as
ſayeth holy Baſile) if we be bidde of any
man to do that is contrarye to the com-
maundementes of Chriſte: there is hye
tyme for vs to ſay, we be bounde more to
obeye god thanne men. I boldely do
affyrme (ſayethe bleſſed Symon de
Caſſia) that the vicare of Chriſte is nat
exempte from the preceptes of the lawe
of god, nother can exempt any other fro
the ſame: nor can gyue lycence to ſyn or
to do amyſſe. THE LAVYER. All
this you ſpeke here, is very well agreing
alſo, with the popes owne lawes. For if
his commaundement (ſaieth Innocence)
conteyne hereſy, or bethought lykely to
trouble greatly the hole churche, or that
other yll ſhulde happen thereby: a man
ought nat to obey, though it be cómáded

Bernardus.

Baſilius ma.

Simon de Caſsia.

Innocentius

vnder the payne of excommunication: in the whiche he falleth whan that he obeyeth nat. And if a man be excommunicate (saieth Abbot) bycause he dothe that is good, or wyll nat do that is yll: the sentence of excommunication is none. And if the sentence of excōmunication be manifestly vniust: it is as none. THE DIVINE. Thus the good archebysshop of Canturbery Laurence successoure of saynt Austen, wolde for none entretee of the poope nor yet commination of cursinge, assoyle hym whom he had ryghtfully accursed for the maryenge of his mother in lawe. Lykwise saint Dunstane wold in no wise obey the pope, though he prayed hym, monisshed hym, and straitly commaunded hym to assoyle the Erle, whom he had afore excōmunicate for the marienge and reteining of his nye kyns woman: vntyl he had put her from him. For this same was euermore in his mouthe, god forbydde that for the cause of any mortall man. I shuld contempne the lawe of my lorde god. Euen so the good bysshoppe Sampson had rather abyed and suffre al parels of excommunication, than

Abbas.

Where excōmunication is as none.

Laurentius Archiepiscopus Cantua.

Sāctus Dunstanus.

Sampson episcopus.

than to do that he sawe he myght nat do by the lawe of god. The noble clerke and good bysshoppe of Lyncolne Roberte Grosthede also wroote vnto the pope, whiche hadde made (as he knewe well) an vnlaufull requeste vnto hym: that suche enforcementes he muste nedes say naye to, and rebell. Wherfore nowe if it fortune hereafter, that the poope or any other spirytuall persone wolde for sinistre affection or encrease of authoritie interdicte, excommunicate, or sende any inhibition to interrupte the iustenes of this cause, other elles the dewe procedynge in the same, accordynge to the diffinitions afore: in that case (as me thynketh) bothe the kynge, his spirituall and laye subiectes also, shulde manfully in god withstande them, and stycke in theyr myndes and dedes to the manfull vertuous and hooly sayenge of all the blessed apostles: whiche is, that we oughte rather to obeye god thanne men. And no doubte but that in our so doynge we shall haue lyke rewarde of the same our maker: as these holy men and blessed Bysshoppes hadde

Robertus Lincoln.

with moo, the whiche dydde folowe the ſame ſteppes. THE LAVYER. By my faythe you ſpeake to verye good reaſon, but J can not ſay, that our lawe agreeth to this reaſon. THE DIVIN. No, J thynke that well. But the foundation and very ſtone, which you ſhulde groũde your lawe vpon, doth eſtabliſſhe vs, to condeſcende to the ſayde reaſon. For the Churche of god hath his foundation ſette vppon a firme and ſtedfaſte ſtone of truth and faythe: and not vpon the mutable and wylfull pleaſure of Peters ſucceſſours. But your lawe doth ſo moche attribute to man (as moderne gloſers dothe expoune) that it wolde make man, whiche is but frayle and caduke/ directour, gouernour / and as ſuperiour to the very worde of god: whiche is (as the prophete ſayeth) alway permanent, what ſimple witte or ſlendre fayth wolde thinke or beleue, that god in ſetting forth his lawes and preceptes, had (as a man wolde ſay) ſo vnauiſebly conſidered and commaunded them, that any wyſe they ſhuld nede of mans reformacion, or that he dyd create man, to be ſuperiour to his worde

worde and wyl? Me thinketh verily that it is to great an arrogancy for man so to vsurpe apon his maker. Wherfore nowe let this passe: and answere me (I praye you) to an other question in lawe. THE LAVYER. What is that nowe? THE DIVINE. This same. If a man shuld cõmune with you of the lawe, and aske you whether the decrees and decretalles (whiche you emonge you do call lawes) with the opinions of doctours, whyche wryteth of them, be directed in their iust execution merely and in all cases by truth or no: what wolde ye answere? THE LAVYERE. What wolde I answere? Mary this do I answere: that the lawe in his due course exercised, ought to be directed by truthe onely. THE DIVI. And what call ye truth? That: whiche appereth in dede only: or that by report? And if by reporte, whether that whiche some men say & depose, is true: or onely that all men say and holy agree vnto, is true? THE LAVYER. If the dede do appere euidently, than it is greatly to be consydered & weyed: and if nat than it is to be referred to that whiche the an-

What is to be tane for truthe.

cient fathers approued in law, or the assent of counsels generall do saye, and affirme to be true and lawe. And if (as in a rare case) it fortune some tyme that the truthe can nat be fully gathered or made plainly to appere, than iudgementes and opinions of doctours, soundyng to reson so farre as mans witte can comprehende, and nat discrepant from goddes lawe: be to be ensued & folowed. THE DIVI. Herein may somtyme fortune an errour. THE LAVYER. That is truth. For in the iustice of this worlde that is truth, which the lawes receyueth for truth, and whan the lawes receyueth it, than it is as truth in the syght and iugement of men: though in the syght of god it be nat so. God seeth al with his owne eies: & therfore his iustice is most perfit & is directed alwayes accordynge to a moste perfitte truthe. Man trusteth other mens eies and tounges, and sometyme his owne sensis, whiche maye erre: and therfore foloweth and admitteth in stede of truth the lykelyhode of truthe and the lykelyhode approued by the lawe. Wherupon it foloweth that what the lawe callethe truthe

truthe, is to be taken for a truthe: vntylle the contrary may euidently appere. For if manne shulde neuer take for the truthe: but onely that the dedes shewed of truthe, there shulde seldome appere truthe to men in many matters. The dede vanysheth and passeth ouer, ne can be permanente: the testimonie of the truthe is preserued by the lawe: whiche wylleth faythe to be gyuen to sufficient wrytinges and sayenges in that behalfe. And if you require farther declaration hereof: me thynketh that it apperethe welle in this example. Who can shewe the truthe of his owne lynadge or parentage, but by auctoritie of the lawe, by whiche lawe wytnesse proueth the mariage of the personages, and byrthe of the chylde vpon the woman maried? Wherupon the lawe concludeth the generation of the husbande as father: whether it be so in dede or no. And so it is in prose of the truthe of carnall copulation and bodily knowledge. Wherin there is no wytnesse communely that depose of the very acte, but onely of the nere circumstaunces precedynge or folo-

The lanfull prose of bodyly knowlege

wynge the acte: as age of the two parties conueniente and lykely there vnto/ with conuersation in bedde and other place at libertie for that acte. Wherevpon the lawe concludethe for a truthe, the acte of copulation to haue ensued, & so in other cases of lyke fashion. THE DIVI. Why syr, if this be thus, as ye saye: than shall it lytell auayle the quene to alledge, that she was nat knowen by prince Arthur. For sure I am, ther be witnesse, & (as I haue harde say) of the noblest mē of this realme, that knew prince Arthure & the quene at the tyme of their mariage, and knewe them bothe to be of competent age, feete apte & prone to that naturall acte: bedded to gether at sondrye tymes, lyuynge at libertie, in one house beynge: no lette or impediment in lawe why they shulde nat, but many prouocations of nature why they shulde accomplysshe their natural desire in that behalfe. THE LAVYER. I thynke the quene wyll neuer erenestly alledge that matter: which hath nat only no probabilite of truth/ but also that beinge proued, whiche you spcke of: that is to say, the ma-

That the quenes allegynge to the cōtrary nothyng auayleth.

mariage, liuinge, beddinge, and cõuersation together of her and prince Arthure, a plaine conclusion to the cõtrarie. THE DIVINE. There be many mo specialtes than these: that go nere the matter. For some men of great house say / and (as I am enfourmed) depose vpon theyr othe: that prince Arthur dyd report hym selfe vnto them, that he had carnally knowen her. And that at diuers tymes, to some at one tyme / to some at a nother: so that his sayenges were many times reiterate. Whyche me thynketh gyuethe moche greatter faythe, in so moche that it is not to be thought, that al these tymes he shulde speke for ostentacion and bostynge of hym selfe onely. For at some tyme of these it doth appere by attestacion of credible folkes, wherof some were his seruãtes nere about him at that tyme: that he spake it for mere necessite, demaundynge and desyrynge drinke incontinently vpon his great labours, in the mornynge very erely to quenche his thyrste: answerynge whan the question was asked hym, why sir and be ye nowe so drye? Mary if thou haddeste bene as often in Spayne this

Prince Arthurs owne reportes.

nyghte as J haue bene: J thynke verely thou woldest haue ben moche dryar. Another thinge there is more, whiche hath a meruelous apperaunce in it to declare that she shulde be knowen by prince Arthure: and that is this. Incontinent after his dethe the name of a prince belonged to hym that is nowe our souerayne lorde and kynge, excepte his brother had chyldren: & so without creation or any other solemnite streight waye so to be called therby. Whiche if it shulde nat so haue folowed, shulde haue ben a mere iniurye illated by his father to hym: without some other meruaylous great consideration. So it was his brother beinge dede, vpon suspicion that she hadde ben with childe, and beynge also certifyed by the princes counsell, that they and she bothe thoughte the same: the name of prince was differred from our souerayne lorde that nowe is by the space of a moneth & more, in whiche tyme it was likely the truth to be knowen. And so me thinketh there can be no more vehemēt nor almost a playner trial of her to be knowen, than this: beinge with al well considered howe

Howe & for what cause the name of prince was differred our souerayne.

well

wel auisedly the noble king his fader dyd alwayes procede in all his actes & dedes. ye & a thirde there is also, wherby it can nat be denied but that this her ostētacion & affirmation is nothinge true. And that now is euidently proued by an instrumēt called a Breue, whiche she by her selfe or her proctour produced in publyke iudgement before the Legates in her defence: bycause our soueraynes counsell founde fautes in the bulle, whiche were sufficient in lawe (as lawyers do affirme) thoughe the pope might dispense (as he may nat ī dede) to annihilate & fordo the mariage betwene the king and her. For where one of the fautes, whiche the kinges counsell foūde, was that after the dethe of prince Arthur, in suinge for dispensation, she atteyned a bull wherof the suggestion was not true: Beinge in one place (as it was saide) in the bull Forsan cognitam, as who sayeth, may fortune knowen. Whiche maketh a doubte of that thynge, whiche she knewe well ynoughe before. And thereby it may well be conjectured, that she feared to telle the trewthe, lest that the pope, perceyuynge that she had bene

knowen

knowen by prince Arthoure, wolde neuer haue dispensed with this lattre maryage. Or elles in dede if she had nat be knowen, she neded nat to haue putte in, these termes at all. And thereby emonges other thinges the kinges counselle thoughte, that this bulle was subrepticious and noughte: bycause the trewe meanynge of the supplycatyon was nat purely and trewely declaredde in the same. She thanne fearynge that by this faulte and other, whyche were founde in the sayde Bulle, she shulde fayle of her purpose: dydde accordynge as tofore is sayde, in her defence exhybyte this briefe: thynkynge thereby to take away al these doubtis, whiche were founde in the Bulle, and specially that of Forsan cognitam. But in this (as scripture saith, obscurati sunt oculi eorum, Both her eies & her coũsels were blynded. For wher they went about to hele some smal soores, they opened a great woũde: & in the Breue confesse cognitam, without Forsan: which is to say, that she was knowen without parauenture. Whiche maketh (as me thinketh) to euident a proue, that

How the Breue which was purcha

she

she shulde be knowen by prynce Arthure/ & so plainly sheweth it that it can nat be denyed. For nowe if ye marke it well, it is confessed bothe by hym & her: though she liste to say nowe the contrary, & that in iugement. THE LAVYER. I merualle than, that men wyl yet doubt whether it be true or no: that the law approueth so for truth, where these probations appereth so playne. THE DIVINE. I will tell you why. Bycause her grace sayth her selfe, that she was nat carnally knowen, and she sayth that she knoweth it better than al the worlde beside. THE LAVYERE. It can not be denied, but that she knoweth it best of folke nowe liuing. But prince Arthur whan he lyued knewe vtterly as wel as her grace. Who hauing no cause why at that tyme to say otherwise than the truth, she nat denieng at that tyme that same, said than the cõtrary of that the quene nowe alledgeth, whan it maketh moste for her purpose so to say, beinge wytnesse in her owne cause and partie for her owne defence/ without any matter to iustifye her so sayenge: sauynge onely her sole suche allegacion.

sed for fautes in the but manyfestely sheweth that she was knowē by prince Arthur.

One

Howe the quenes sayeng can not proue.

One mans or womans sayenge singular, be he or she of neuer suche dignite auctorite prerogatiue or preeminence, by the law shal nat make faith in an other mans cause, whiche nothynge apperteyneth to him. Wherfore there can be no reason ne lawe to maynteyne that the quene in her owne cause shuld haue credite and be beleued, or yet her sayeng regarded in that behalfe. And assuredly to speke, it is impossible by due and lawfull profe to proue true this her sayenge by her selfe in dede, at this houre: seynge that she hath bene knowen syns. And as for wordes, it is to open in lawe, that the husbandes attestation makynge for the mariage is to be preferred to the womans denial in that case. So that if there were no more but prince Arthurs owne sayenge, the lawe willeth that credytte shulde be gyuen to him & nat to her. And if she wold go about to proue it by recordes, it is to be cõsidered, that they which she wolde nowe bring to testifi this, her nat to be knowen: must be of those which were here present with her. Which were sent than purposely, rather to testifi the cõtrary. For it was

How vnlike ly shulde be her recordis testimonye.

at

at that tyme the thinge which her father & mother bothe moost desired, to here of succession of theyr two bodyes: and to vnderstande that bitwene them was carnall copulatyon. Whereby it may euidently appere (what so euer they nowe saye) that they came than rather to approue the contrary, than that which she wolde bringe them to testifie nowe. For who can thinke that they which brought the doughter of their kinge to be maried vnto the sonne and heyre of a king, wolde than seke for wayes, wherby they might after proue, that she ware nat carnally knowen by him: that they brought her for? And I reken that nother she nor eke her witnesse can make in this matter any due proue, admithable in lawe: seyng also that one of the parties is deed, who to make answere had as moche interest, as she to denye it. THE DIVI. I knowe nat your lawe, but me thinketh you speke reason: that we shulde take for the truthe whiche is laufully approued for truethe, what so euer the partie say to the contrary. Consideryng that truthe (as ye haue declared) dependeth vpon the trewe ap-

proba-

probacyon in the lawe, and nat vpon the bare demonstration of the acte. THE LAVIER. you take it right. And therfore if my father & mother bothe wolde denye me to be their sonne: I shall (if I haue laudable testimonye) proue the contrary, al though they wil neuer so ernestly both defend & mainteyne their denial: alleagynge that they knowe the trutye better than all the worlde after, as they do in dede. But their knowlege helpeth nat where no fayth is to be gynen to thé. And the quetion is nat what they know: but what is to be bileued. And truly no man is to be beleuid in his owne matter. And (as one sayd) may a man bileue that a mayden accõpanieng with a yonge mã of luit (being no let therynto) shal returne as she was a mayden? Meanyng beleue it who that wolde, for he wolde nat. Prince Arthurs and the quenes conuersation togyther in bed and house, beinge both of lauful age, with these other probations tofore rehersed, so clerely setteth forthe the truthe of carnall knowledge: that the quenes asseueration to the contrary, nor yet her dissemblynge profes (if

None to be beleued in his owne cause.

A iuuene cupido credatur reddita uirgo?

she

she haue any) can blemysshe the same in any vpright true or indifferent mans opinion. Wherfore I meruel that other she or any, that maketh pretense of loue towarde her, wyll allege or cause to be alleged so mere an vnprouable excuse, in so hie a cause. The doinge wherof to my iugement hath greatly derogate bothe her & their credite: not onely in this case, but in all other also. THE DIVIN. These thinges be so pythily spoken & set forthe, that they can not be auoyded. Wherfore sins the truthe fauoreth our princis cause so moche: lette vs his subiectes than not omyt nother our zele ne yet our obediéce to hym accordinge to our allegiance: nor our duetie to god in assistinge the truthe, as is the part and office of a true christen man. For surely we oughte by our allegiance to defende him and his doinges agaynste all maligners, bothe in wordes & dedes. For againste maligners god hym selfe exhorteth vs by his prophete, whan he sayeth. Be not desirous to folowe the malignere. Than syn we be forbydden to folowe them in general termes and generally cómanded to auoyde them: moche

Our office and duetie to god and our kynge.

Beware maligners.

Principi populi tui non maledices. exo. 22.

In cogitatione tua regi ne detrahas. Ec. 10.

more he forbyddeth vs in that is agaynst our prince and ſoueraine. Alas, what ingratitude, yȝ and that vnnatural were in vs, if we ſhulde other wiſe do? Or howe coulde we wyl or deſire of our prince that poynte of kyndnes, as towarde vs ⁊ our cauſes: which we refuſe vnto him warde? Howe myght we deſire of hym not to be lyght in credittę / whan he hereth complaynte of vs: whan we be ſo light to beleue all tales inuented ageynſt hym ⁊ his moſt rightuous intent? Or howe can we be ſo bolde to deſire his grace of his moſt hye goodnes ⁊ fauour, and to aſſiſt vs in our ryghtuous cauſes: whan we do not frankely aſſiſte hym, ye ⁊ offre vs to lyue and dye in this his iuſte cauſe ⁊ matter?

THE LAVYER. Me thynketh, this matter toucheth vs as moche almoſte as him. Sauynge onely his conſcience. But as for the worlde, moch more. For in his time no man can interrupt him: nor there is no beſines in title. But afterwarde if the ordre be not ſet bi him or that he dye: it is harde to ſay, howe many ſhal repent it. Wherfore I thinke of both, it is more requiſite for vs than for him: to haue this

Our moſte louing princis true endeuoure is moche more for vs than hym.

matter

mattre at an honorable ende. THE DIVINE. But howe might that be? THE LAVYER. Mary I thynke that the way might be founde well ynough, if the hole heed & body of the parliament wold set their wyttes and good wylles vnto it. For no doubt, but that it ought to be determyned within this realme: as plainly ynough it appereth bifore. THE DIVINE. Surely you say well. For me thynketh, the succession of this realme, ought nat to be ordered by forreins. For if it shulde, and we to accepte the same: they were rulers and ordereres of this realme, and nat the king & his parliament. And than doutlesse this realme were as euyll in condition as sclaues of Turkes: whiche I pray god defende it fro. For seynge that there is nothyng to be determined but the saute of beynge knowen or nat knowen, which I thynke is euidently ynough proued alredy: there is no place so conueniente to trye the truthe of that matter as this realme. Wherfore me thinketh the kinges highnes and his parliament shulde earnestly prese the metropolitanes of this realme (there vniuste

An abusion intollerable

Howe the cause may haue his ende.

othe made to the pope nat withstädyng) to set an ende shortly in this. And to take a greatter regarde to the quietyng of his graces conscience and this realme: than to the ceremonyes of the popes lawe. For by goddes lawe they be bounde to the obedience of their prince, and to seke also the quietation and peacesablenes of this realme: whiche ought to be regardyd more than any mans lawe. Whiche I truste they beynge of suche sincerite as I take them of/will nat lette to do whan it shall be put to them, who so euer say nay: answeringe whan nede shall be accordyng to their auncient and vertuous predecessours. Rather we ought to obey god than men. And thus this lyttell tretise shall make his ende. Prayenge the reders that if any thynge be amysse in it, to arrecte it rather to lacke of discrecyon than of good wyl. And though pauĉture in openyng of the cause some be indirectly touched, farther maye happe than pleaseth them: we humbly desire them to reken, that if we coulde haue by our simple wyttes deuised any other way so plainly and truely to haue opened this cause: we

Magis oportet obedire deo q̄ hominib⁹. Act. v. Per oratio.

wolde

wolde moche rather haue done it than thus. But in declarynge the truthe we mynde to halte for no respecte. Wherfore we praye them to holde vs excused. And thoughe parauenture that the wyse mans prouerbe, The tellynge of truthe bredeth ofte displeasure, shall take effecte in vs: we mynde not (and god before) to spare eyther to telle it, or with our lyues to maynteyne it: seinge that Christe him selfe sayeth: I am the verye truthe, and eterne lyfe. Whiche abydethe them, that folowe the truth. And where as we thynke, that it is hardely possible for any man to endite or conueye any worke of suche sorte, that no man shall fynde a faute therin specially captious folke and maligners: Whiche rather whan they haue founde a ryght small faute, wyll go about to iest and rayle on it, ye though no faute at all, yet rather wyll so do of all that pleaseth them not, than to come to the remanaunt in the iustificacion of the matter: we moste entierly praye you louinge reders, that if any suche ye nowe or here after shall here of, whiche wolde cõtradict or againe say this pore treatise

Veritas odium parit.

Ego sum ueritas & uita Ioan. 14.

Ageynst malygners and raplynge babblers.

of truthe, nat to gyue credence vnto thē, tyll they can proue the contrarye hereof. And that sothly, nat by their gestes, their faces & crakes, whiche is al out of frame: but (as it ought truely) onely by good scripture, good auncient authors, generall counsels, vertuous and holy popes owne sayenges, famous vniuersities, and infinite clerkes and lerned mens opinions, concurring with olde ancient customes and vsages: and that syn our sauiour Christes owne tyme, as we haue declared in this our poore treatise all redy for our parte. And an other thinge there is also, whiche we truste shall cause you to gyue the lesse credytte to who so euer wolde maligne at this worke, whiche is this. That this worke standeth with vertue and clennes. The whiche truthe all the contrary parte can nat denye. And therfore hit oughte rather to be embraced. And doutlesse the contrarye thereof is vyce and vnclennes, whiche oughte vtterly therfore to be dispysed. And this sure we are, that dyuers of the moste reputed personages in lernynge, whiche taketh the the contrary part of that we do,

The sure pyllars this worke leaneth to.

haue

haue ſayd to men of great creditte: that if this matrimony were to be made, they wolde neuer condeſcende vnto it, nor euer aduiſe any man to attempte any ſuche. Wherof we now gather, that they iuged it naught: though for ſome reſpect nowe ī this time they do cloke the cōtrary. For if it were good or laufull (as nowe they wolde make pretence it were) why ſhulde they haue ſaid, as tofore is reherſed? And ſins they haue confeſſed ſo farre: this vrgēt reaſon muſt kepe them within the liſt whiche is this. That thynge, whiche is ones nought in goddes lawe morall: can neuer be good, but by his onely alowāce: as moſte parte of counſels generall and good outhors do determine. Wherfore in this theyr ſo ſayenge, we maye well thynke, that they verely confeſſed the effecte of this our treatiſe. Whiche if they nowe contrary in worde or bede, or hereafter ſhall: can not be well taken in indifferent eares, but eſtemed to procede of to moche lyghtnes, or of ſubornynge, or elles of to great affection and cleuynge to theyr owne opinion. Wherfore, if they ſo do, we thinke, that lyttel creditte

ſhulde

shulde be gyuen vnto them. And we doubte not, but that your myndes and affections are suche to your most louyng prince: that nowe syn ye knowe them, suche theyr sayenges shall nothynge hindre his well deserued estimation amonge you. And therfore efte sone we most hartely pray you gentyll reders, that nother sinistre affection, nor yet malycious reporte, do hynder the acceptynge of this our treatise in your hartes and iugementes: otherwise than that if you had matters to do before our prince and his coũsell, ye wolde they shulde do in your iuste petitions and causes. For you muste remembre that Christe commandeth vs, to do as we wolde be done to. Where he wylleth it of eche to other emonge vs al: wyll he nat that moste of all we obserue it, enempst our most louynge prince and souerayne? No dout but so wylleth and cõmandeth our sauiour Christ. In whom fare ye well moste gentyll reders, euer to inclyne and fauour moste the truthe.

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